

CHRISLIP & HERVATIN, LLP
RONALD W. CHRISLIP SB#70441
1505 N. BROADWAY
SANTA ANA, CA 92706
714-547-0197

Attorney for Plaintiffs, Stewart Surfboards, Inc. and
William G. Stewart

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

2010 APR 21 PM 3:07
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

STEWART SURFBOARDS, INC.;
WILLIAM G. STEWART,

Plaintiffs,

v.

THE WALT DISNEY COMPANY;
DISNEY ENTERPRISES, INC., DISNEY
PRESS and DOES 1 to 25,

Defendants.

Case No. CV10-2982 AHM (SSx)

COMPLAINT FOR

- 1. Trademark Infringement**
- 2. Unfair Competition**
- 3. State Law Unfair Competition**
- 4. Imposition of a Constructive Trust;**

DEMAND FOR JURY TRIAL

Allegations Common to All Claims for Relief

A. Jurisdiction and Venue

1. The claims for trademark infringement and unfair competition under the Lanham Trademark Act, as amended, 15 U.S.C., § 1051 et seq., allege the unauthorized use in interstate commerce of famous and distinctive marks, and false designations of origin. The Court has jurisdiction over the subject matter of

1 these claims pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1331 and § 1338. The
2 remaining causes of action for unfair competition under California state law and
3 for a constructive trust arise under the laws of the State of California. The Court
4 has jurisdiction over these substantial and related claims pursuant to 28 U.S.C. §
5 1338 (b) and § 1367.
6
7

8 2. Venue in the Central District of California is proper pursuant to 28
9 U.S.C. § 1391(b), § 1392 and § 1400(a).
10

11 **B. Introduction**

12
13 3. This case concerns the concerted, unauthorized use of intellectual
14 properties owned by Stewart Surfboards, Inc, William G. Stewart. Plaintiffs are
15 engaged in the manufacture, importation, distribution, promotion, sale and offer
16 for sale high-quality handcrafted custom surfboards
17

18 4. Plaintiff, Stewart Surfboards, Inc. is a corporation duly organized and
19 existing under the laws of the State California existing under the law of the State
20 of California, having its principal place of business in San Clemente, California,
21 county or Orange.
22

23
24 5. Plaintiff, William G. Stewart owns and founded Stewart Surfboards
25 over thirty years ago; Mr. Stewart's products are world renown, are immediately
26
27
28

1 recognizable, and have reached celebrity status among those in the surfing
2 community.
3

4 6. Stewart boards have been seen on TV and in movies, such as “The
5 Heartbreak Kid”, “The Net”, the MTV Beach House, “Vegas” and many more.
6

7 7. CNN commemorated the end of the Cold War in 1990 by presenting
8 Soviet leader Mikhail Gorbachev with a Stewart Surfboard decorated with
9 airbrushed Soviet and American flags.
10

11 8. As the exposure and world-wide presence has grown, so has the
12 Stewart product line-up, which now includes a full range of boards including
13 shortboards, the world-famous Hydro Hull longboard and the revolutionary new
14 S-Winger as well as apparel, hats, mugs and more.
15

16 9. In 1994, Office Depot featured Bill and Stewart Surfboards in a
17 national TV ad, with shots of Stewart surfing at San Onofre, which aired during
18 60 Minutes, the NFL playoffs and after the Super Bowl.
19
20

21 10. Stewart surfboards are judged as the finest boards made and are used
22 by professional surfers all over the world.
23

24 11. The appearance and other features of the Stewart surfboards are
25 inherently distinctive and serve to identify Stewart Surfboards, Inc. as the source
26 of products bearing the Stewart name, logo and signature. The design,
27
28

1 configuration and distinctive features of the Stewart surfboards and Stewart
2 Surfboards, Inc. products are wholly original with Stewart Surfboards, Inc and, as
3 fixed in various tangible media, including merchandise.
4

5 12. Plaintiffs, Stewart Surfboards, Inc. and William G. Stewart are the
6 owners of world famous registered marks which serve to distinguish Stewart
7 Surfboards, Inc.'s surfboards and other products. Some of those trademarks have
8 been used continuously for over thirty years. Each year Stewart Surfboards, Inc.
9 spends considerable money to develop and maintain the considerable goodwill it
10 enjoys in its trademarks and in its reputation for high quality. A list of trademark
11 registrations for the Stewart Surfboards, Inc is attached as Exhibit "1"
12 (collectively "Stewart Surfboards, Inc.'s Trademarks").
13
14
15
16

17 13. Stewart Surfboards, Inc.'s Trademarks are all valid, extant and in full
18 force and effect. Stewart Surfboards, Inc.'s Trademarks are all exclusively owned
19 by Stewart Surfboards, Inc. Stewart Surfboards, Inc has continuously used each of
20 Stewart Surfboards, Inc.'s Trademarks from the registration date, or earlier, until
21 the present and at all times relevant to the claims alleged in this Complaint.
22
23

24 14. As a result of advertising and sales, together with longstanding
25 consumer acceptance, Stewart Surfboards, Inc.'s Trademarks identify Stewart
26 Surfboards, Inc.'s surfboards and other products and authorized sales of these
27
28

1 products. Stewart Surfboards, Inc. s Trademarks have each acquired secondary
2 meaning in the minds of consumers throughout the United States and the world.
3
4 Stewart Surfboards, Inc.'s surfboards, Copyrighted Designs and Trademarks are
5 collectively referred to herein as Stewart Surfboards, Inc.'s Properties.
6

7 15. The Walt Disney Company is a corporation duly organized and
8 existing under the laws of the State of Delaware, having its principal place of
9 business in Burbank, California.
10

11 16. Disney Enterprises, Inc. is a corporation duly organized and existing
12 under the laws of the State of Delaware, having its principal place of business in
13 Burbank, California.
14

15 17. Plaintiff is informed and believes and thereon alleges that Disney
16 Enterprises is an affiliated company of The Walt Disney Company.
17

18 18. Plaintiff is informed and believes and thereon alleges that Disney
19 Press is owned by The Walt Disney Company.
20

21 19. Stewart Surfboards, Inc.'s and William G. Stewart are further
22 informed and believe, and upon that basis allege, that The Walt Disney
23 Company, and has control over the day to day operations of Disney Press and
24 Disney Enterprises, Inc. Stewart Surfboards, Inc.'s and William G. Stewart are
25 informed and believe, and upon that basis allege, that The Walt Disney Company
26
27
28

1 is engaged in the manufacture, distribution, promotion and sale of merchandise
2 infringing Stewart Surfboards, Inc.'s Properties.
3

4 20. Upon information and belief, Does 1 to 25 are either entities or
5 individuals who are residents of or present in this judicial district, and are subject
6 to the jurisdiction of this Court. Upon information and belief, Does 1 to 25 are
7 principals or supervisory employees of the named defendants, suppliers of the
8 named defendants or other entities or individuals who are manufacturing,
9 distributing, selling and/or offering for sale merchandise in this judicial district
10 which infringes some or all of Stewart Surfboards, Inc.'s Properties. The
11 identities of the various Does are unknown to the Stewart Surfboards, Inc.'s at
12 this time. The Complaint will be amended to include the names of such
13 individuals when identified. The named defendants and Does 1 to 25 are
14 collectively referred to herein as "Defendants."
15
16
17
18
19

20 21. Upon information and belief, long after Stewart Surfboards, Inc.'s
21 adoption and use of Stewart Surfboards, Inc.'s Properties on a diverse range of
22 goods, and after Stewart Surfboards, Inc. obtained the copyright and trademark
23 registrations alleged above, Defendants adopted and used substantially identical
24 likenesses of Stewart Surfboards, Inc.'s Properties on a book published by
25 defendants herein, without Stewart Surfboards, Inc.'s consent. Defendants have
26
27
28

1 caused the Infringing Product to enter into commerce and to be transported or
2 used in commerce. Defendants are not licensed by Stewart Surfboards, Inc.'s and
3 at all relevant times were not authorized by Stewart Surfboards, Inc.'s or any
4 authorized agent of Stewart Surfboards, Inc.'s to use Stewart Surfboards, Inc.'s
5 Properties on the back of the Hannah Montana book. The surfboard pictured on
6 the book was designed, produced and hand airbrushed by Bill Stewart and clearly
7 contains the Stewart logo. Disney Press used the image, name and celebrity
8 identity of Stewart surfboards, for commercial purpose without the permission of
9 Stewart Surfboards, Inc. [A copy of the back of the Hannah Montana book is
10 attached hereto as Exhibit 2]

15 22. By using Stewart Surfboards, Inc.'s surfboard on the Hannah Montana
16 book "Rock the Waves" it implies that Stewart Surfboards, Inc., approves
17 endorses or sponsor's said book in that in this particular book one of the
18 characters is an Aussie surfer who is surfing in a major surfing competition.

21 23. Defendants are currently engaged in such uses and, unless enjoined by
22 this Court, will continue such unauthorized uses.

24 24. By engaging in this conduct, Defendants have acted in willful
25 disregard of laws protecting Stewart Surfboards, Inc.'s 's goodwill and related
26 proprietary rights and have confused and deceived, or threaten to confuse and
27 deceive, the consuming public concerning the source and sponsorship of the
28

1 products. By their wrongful conduct, Defendants have traded upon and
2 diminished the Stewart Surfboards, Inc.'s goodwill.
3

4 **FIRST CLAIM FOR RELIEF**
5 **(For Trademark Infringement)**

6 25. Plaintiffs repeat and reallege all the allegations contained in
7 paragraphs 1 through 25, inclusive, as though set forth herein in full.
8

9 26. Defendants' manufacture, importation, advertisement, display,
10 promotion, marketing, distribution, sale and/or offer for sale of the Infringing
11 Product is likely to cause confusion or to cause mistake or to deceive the relevant
12 public and trade regarding the affiliation, sponsorship, endorsement or approval
13 of the Infringing Product.
14

15 27. Plaintiff are informed and believe and, upon that basis allege, that
16 Defendants, and each of them, acted with knowledge of the federally registered
17 trademarks alleged herein and of the valuable goodwill Stewart Surfboards, Inc.
18 and William G. Stewart enjoys in connection therewith, with intent to confuse,
19 mislead and deceive the public into believing that the Infringing Product were
20 approved or endorsed by Stewart Surfboards, Inc.
21

22 28. Plaintiffs are informed and believe, and upon that basis allege, that
23 Defendants have each obtained gains, profits and advantages as a result of their
24 infringing acts in amounts within the jurisdiction of the Court.
25
26
27
28

1 29. Plaintiffs Stewart Surfboards, Inc. and William G. Stewart have
2 suffered and continues to suffer irreparable harm and damage as a result of
3 Defendants' acts of trademark infringement in amounts thus far not determined
4 but within the jurisdiction of this Court, which amounts should each be trebled
5 pursuant to 15 U.S.C. § 1117. In order to determine the full extent of such
6 damages, including such profits as may be recoverable under 15 U.S.C. § 1117,
7 Stewart Surfboards, Inc. will require an accounting from each defendant of all
8 monies generated from the manufacture, importation, distribution and/or sale of
9 the Infringing Product as alleged herein. In the alternative, Stewart Surfboards,
10 Inc. may elect to recover statutory damages pursuant to 15 U.S.C. § 1117 (c).

11 30. Plaintiffs have no other adequate remedy at law and have suffered and
12 continue to suffer irreparable harm and damage as a result of the above-described
13 acts of infringement. Plaintiffs are informed and believes, and upon that basis
14 alleges, that, unless enjoined by the Court, the unlawful infringement will
15 continue with irreparable harm and damage to Stewart Surfboards, Inc.
16 Accordingly, Plaintiffs seeks and requests preliminary and permanent injunctive
17 relief pursuant to 15 U.S.C § 1116.

18 31. By reason of the foregoing, Plaintiffs have incurred and will continue
19 to incur attorneys' fees and other costs in connection with the prosecution of its
20
21
22
23
24
25
26
27
28

1 claims herein, which attorneys' fees and costs plaintiffs are entitled to recover
2 from Defendants, and each of them, pursuant to 15 U.S.C. § 1117 (c).
3

4 **SECOND CLAIM FOR RELIEF**
5 **(For Unfair Competition)**

6 32. Plaintiffs repeat and reallege all of the allegations contained in
7 paragraphs 1 through 31, inclusive, as though set forth herein in full.
8

9 33. Plaintiffs, Stewart Surfboards, Inc. and William G. Stewart owns all
10 rights, title and interest in and to the trademarks, trade names, service marks,
11 artwork, and other distinctive elements for and incorporating Stewart Surfboards,
12 Inc.'s Properties.
13

14 34. Stewart Surfboards, Inc.'s Properties have each acquired a secondary
15 and distinctive meaning among the public, which has come to identify Stewart
16 Surfboards, Inc.'s Properties, and each of them, through various media, including
17 films, books, television, magazines and other sources, and through the distribution
18 and sale of authorized merchandise, and the distinctive features of each of as
19 designating products associated with Stewart Surfboards, Inc. As a result of the
20 extensive advertising, media exposure, sales and public recognition of Stewart
21 Surfboards, Inc.'s Properties, combined with the positive experiences of the public
22 in its relationship with Stewart Surfboards, Inc., Stewart Surfboards, Inc.'s
23
24
25
26
27
28

1 Properties are each symbolic of Stewart Surfboards, Inc. and representative of the
2 image which the public has of Stewart Surfboards, Inc.
3

4 35. Plaintiffs are informed and believes, and upon that basis alleges, that
5 Defendants, and each of them, have, without permission, authority or license from
6 Stewart Surfboards, Inc., affixed, applied and used in connection with the
7 manufacture, importation, advertisement, display, promotion, marketing,
8 distribution, sale and/or offer for sale, false descriptions and representations
9 including words or other symbols which tend falsely to describe or represent such
10 goods as Stewart Surfboards, Inc. and affiliated with Stewart Surfboards, Inc., and
11 have caused the entry of such goods into interstate commerce with full knowledge
12 of the falsity of such designations of origin and such descriptions and
13 representations, all to the detriment of Stewart Surfboards, Inc.. Defendants, and
14 each of them, by misappropriating and using one or more of Stewart Surfboards,
15 Inc.'s Properties, have misrepresented and falsely described to the general public
16 the origin, source, association, affiliation or sponsorship of their goods so as to
17 create the likelihood of confusion by the ultimate purchaser as to both the source
18 and sponsorship of said goods.
19
20
21
22
23
24

25 36. Defendants' acts and conduct, as alleged herein, including, without
26 limitation the Defendants' duplication and imitation of Stewart Surfboards, Inc.'s
27 Properties, are business practices likely to deceive or confuse the purchasing
28

1 public and trade upon Stewart Surfboards, Inc.'s reputation, both as to the source,
2 origin, sponsorship and approval of the goods provided and as to the affiliation,
3 connection or association of Defendants, and each of them, with Stewart
4 Surfboards, Inc. and constitute acts of unfair competition, false designation of
5 origin and false representation of affiliation, all in violation of 15 U.S.C. § 1125
6 (a). Plaintiffs are informed and believe, and upon that basis allege, that each of
7 Defendants' respective acts of reputation appropriation and unfair competition was
8 willful.
9

10
11
12 37. Stewart Surfboards, Inc. has no adequate remedy at law and has
13 suffered and continues to suffer irreparable harm and damage as a result of
14 Defendants' respective acts of unfair competition in amounts thus far not
15 determined but within the jurisdiction of this Court, which amounts should each
16 be trebled pursuant to 15 U.S.C. § 1117.
17

18
19 38. Plaintiffs are informed and believe, and upon that basis allege, that
20 unless enjoined by the Court the confusion and deception alleged above and the
21 likelihood thereof will continue with irreparable harm and damage to Stewart
22 Surfboards, Inc. Accordingly Stewart Surfboards, Inc. seeks and requests
23 preliminary and permanent injunctive relief pursuant to 15 U.S.C. § 1116.
24

25
26 39. Plaintiffs are informed and believes, and upon that basis alleges, that
27 Defendants have each obtained gains, profits and advantages as a result of their
28

1 wrongful acts of unfair competition in amounts not thus far determined but within
2 the jurisdiction of this Court, which amounts should each be trebled, pursuant to
3 15 U.S.C. § 1117.

4
5 40. In order to determine the full extent of such damages, including such
6 profits as may be recoverable; Stewart Surfboards, Inc. requires an accounting
7 from each Defendant of all monies generated from the manufacture, importation,
8 distribution and/or sale of the Infringing Product.
9

10
11 41. By reason of the foregoing, Stewart Surfboards, Inc. has incurred and
12 will continue to incur attorneys' fees and other costs in connection with the
13 prosecution of its claims herein, which attorneys' fees and costs Plaintiffs are
14 entitled to recover from the Defendants, and each of them, pursuant to 15 U.S.C. §
15 1117.
16
17

18 **THIRD CLAIM FOR RELIEF**

19 **(For State Law Unfair Competition)**

20
21 42. Stewart Surfboards, Inc. repeats and realleges all the allegations
22 contained in paragraphs 1 through 41, inclusive, as though set forth herein in full.
23

24 43. As alleged above, each of Stewart Surfboards, Inc.'s Properties has
25 acquired secondary meaning indicative of origin, relationship, sponsorship and/or
26 association with Stewart Surfboards, Inc. The purchasing public is likely to
27
28

1 attribute to Stewart Surfboards, Inc. the use by Defendants and/or their
2 customers, of one or more of Stewart Surfboards, Inc.'s Properties, as a source of
3 origin, authorization and/or sponsorship for Defendants and/or their customers'
4 goods and therefore to purchase such goods based upon that erroneous belief.
5

6
7 44. Plaintiffs are informed and believes, and upon that basis alleges, that
8 Defendants, and each of them, have intentionally appropriated one or more of
9 Stewart Surfboards, Inc.'s Properties with the intent of causing confusion,
10 mistake and deception as to the source of their goods and with the intent to palm
11 off such goods as those of Stewart Surfboards, Inc. and, as such, Defendants have
12 each committed trademark infringement, misleading advertising and unfair
13 competition, all in violation of the California Unfair Business Practices Act, Cal.
14 Bus. & Prof. Code, § 17200, et seq.
15
16
17

18 45. Plaintiffs have no adequate remedy at law and has suffered and
19 continues to suffer irreparable harm and damage as a result of each of
20 Defendants' acts in an amount thus far not determined but within the jurisdiction
21 of this Court.
22
23

24 46. Plaintiffs are informed and believe, and upon that basis allege, that
25 unless enjoined by the Court, the confusion and deception alleged herein and the
26 likelihood thereof will continue with irreparable harm and damage to Stewart
27 Surfboards, Inc.
28

1 47. Plaintiffs are informed and believes, and upon that basis alleges, that
2 Defendants have each unlawfully and wrongfully derived and will continue to
3 derive income, gains, profits and advantages as a result of their wrongful acts of
4 unfair competition, in amounts thus far not determined but within the jurisdiction
5 of this Court. Plaintiffs are informed and believe, and upon that basis allege that
6 it has lost and will continue to lose profits and goodwill as a result of Defendants'
7 conduct.
8

9
10
11 48. By reason of the foregoing acts of unfair competition, Plaintiffs are
12 entitled to restitution from each Defendant of all income, gains, profits and
13 advantages resulting from their wrongful conduct in amounts to be determined
14 according to proof at trial.
15

16
17 49. In order to determine the full extent of such damages, including such
18 profits as may be recoverable; Stewart Surfboards, Inc. will require an accounting
19 from each Defendant of all monies generated from the manufacture, importation,
20 distribution and/or sale of the Infringing Product.
21

22 50. Plaintiffs are informed and believes, and upon that basis alleges, that
23 Defendants, and each of them, committed the acts alleged herein intentionally,
24 fraudulently, maliciously, willfully, wantonly and oppressively, with intent to
25 injure Stewart Surfboards, Inc. in its business and with conscious disregard for
26 Stewart Surfboards, Inc.' rights, thereby justifying awards of punitive and
27
28

1 exemplary damages against each Defendant in amounts sufficient to punish each
2 Defendant and to set an example for others.

3
4 **FOURTH CLAIM FOR RELIEF**
5 **(Constructive Trust - Cal. Civ. Code § 2224)**

6 51. Plaintiffs repeat and reallege all of the allegations contained in
7 paragraphs 1 through 50, inclusive, as though set forth herein in full.

8
9 52. This claim arises under California Civil Code § 2224 and the common
10 law of the State of California. This Court has jurisdiction over the subject matter
11 of this claim pursuant to the provisions of 28 U.S.C. § 1338(b), this being a
12 pendent claim for a constructive trust joined with substantial and related claims
13 under the Copyright and Trademark laws of the United States and under 28
14 U.S.C. § 1367.

15
16
17 53. Plaintiffs are informed and believe, and upon that basis allege, that
18 Defendants own and possess tangible real and personal properties and assets
19 including, but not limited to bank, savings, investment and/or other financial
20 accounts consisting of or obtained from profit derived from Defendants'
21 unauthorized manufacture, importation, distribution and/or sale of the Infringing
22 Product.
23
24
25
26
27
28

1 54. Plaintiffs are entitled to the profits Defendants have derived from the
2 infringement of its copyrights under 17 U.S.C. § 504(b) and its trademarks under
3 15 U.S.C. § 1117 and California Bus. & Prof. Code § 14340.
4

5 55. Plaintiffs have no adequate remedy at law and has suffered
6 irreparable harm and damage as a result of Defendants' acts as alleged above.
7 Defendants hold those tangible real and personal properties and assets obtained
8 from profit derived from Defendants' unauthorized manufacture, importation,
9 distribution and/or sale of the Infringing Product as constructive trustees for the
10 benefit of Stewart Surfboards, Inc. in an amount to be determined.
11
12

13
14 **PRAYER FOR RELIEF**

15 WHEREFORE Plaintiffs demand:
16

17 1. That Defendants, their agents, servants, employees, representatives,
18 successor and assigns, and all persons, firms, corporations or other entities in
19 active concert or participation with any of the said Defendants, be immediately
20 and permanently enjoined from directly or indirectly infringing Stewart
21 Surfboards, Inc.'s Properties in any manner, including generally, but not limited
22 to, manufacture, importation, distribution, advertising, selling and/or offering for
23 sale any merchandise which infringes Stewart Surfboards, Inc.'s Properties, and,
24 specifically:
25
26
27
28

- a. Importing, manufacturing, distributing, advertising, selling and/or offering for sale the Infringing Product or any other unauthorized products which picture, reproduce, copy or use the likenesses of or bear a substantial similarity to any of Stewart Surfboards, Inc.'s Properties;
- b. Importing, manufacturing, distributing, advertising, selling and/or offering for sale in connection thereto any unauthorized promotional materials, labels, packaging or containers which picture, reproduce, copy or use the likenesses of or bear a substantial similarity to any of Stewart Surfboards, Inc.'s Properties;
- c. Engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead or deceive purchasers, Defendants' customers and/or members of the public to believe, the actions of Defendants, the products sold by Defendants, or Defendants themselves are connected with Stewart Surfboards, Inc., are sponsored, approved or licensed by Stewart Surfboards, Inc., or are in some way affiliated with Stewart Surfboards, Inc.;
- d. Affixing, applying, annexing or using in connection with the importation, manufacture, distribution, advertising, sale and/or offer

1 for sale or other use of any goods or services, a false description or
2 representation, including words or other symbols, tending to falsely
3 describe or represent such goods as being those of Stewart Surfboards,
4 Inc.;

5
6
7 e. Otherwise competing unfairly with Stewart Surfboards, Inc. in any
8 manner.

9
10 f. Destroying or otherwise disposing of:

11
12 g. Merchandise falsely bearing Stewart Surfboards, Inc. Properties;

13
14 h. Any other products which picture, reproduce, copy or use the
15 likenesses of or bear a substantial similarity to any of Stewart
16 Surfboards, Inc.'s Properties;

17
18 i. Any labels, packages, wrappers, containers or any other unauthorized
19 promotion or advertising material item which reproduces, copies,
20 counterfeits, imitates or bears any of Stewart Surfboards, Inc.'s
21 Properties;

22
23 j. Any photographs, negatives or other elements used for making or
24 manufacturing products bearing Stewart Surfboards, Inc.'s Properties;

25
26 k. Any sales and supplier or customer journals, ledgers, invoices,
27 purchase orders, inventory control documents, bank records, catalogs
28

1 and all other business records, believed to concern the manufacture,
2 purchase, advertising, sale or offering for sale of the Infringing
3 Product.
4

5 2. That those Defendants infringing upon Stewart Surfboards, Inc.'s
6 Properties be required to pay actual damages increased to the maximum extent
7 permitted by law and/or statutory damages at Plaintiffs' election;
8

9 3. That actual damages be trebled pursuant to 15 U.S.C. § 1117;
10

11 4. That Defendants account for and pay over to Plaintiffs all damages
12 sustained by Stewart Surfboards, Inc. and profits realized by Defendants by
13 reason of Defendants' unlawful acts herein alleged and that those profits be
14 increased as provided by law;
15

16 5. That Defendants are holding as constructive trustees for the benefit of
17 Plaintiffs any and all real and/or personal properties and assets consisting of
18 and/or obtained from profits derived from Defendants' infringing activities and
19 that Plaintiffs be granted possession of these properties and assets;
20


21 6. That Plaintiffs recovers from Defendants its costs of this action and
22 reasonable attorneys' fees; and
23

1 7. That Plaintiff have all other and further relief as the Court may deem just
2
3 and proper under the circumstances.

4 Dated: April 20, 2010

CHRISLIP & HERVATIN, LLP

5
6 By


RONALD W. CHRISLIP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

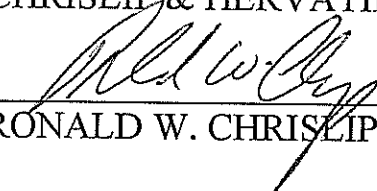
DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Stewart Surfboards, Inc. hereby demands
a trial by jury of all issues so triable.

Dated: April 20, 2010

CHRISLIP & HERVATIN, LLP

By


RONALD W. CHRISLIP

Exhib. 1

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,081,779

Registered July 22, 1997

**TRADEMARK
PRINCIPAL REGISTER**



STEWART SURFBOARDS, INC (CALIFORNIA
CORPORATION)
2102 SOUTH EL CAMINO REAL
SAN CLEMENTE, CA 92672

FIRST USE 1-0-1978; IN COMMERCE
1-0-1980.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SAN CLEMENTE, CA",
APART FROM THE MARK AS SHOWN.

FOR: SURFBOARDS, SNOWBOARDS, BODY-
BOARDS, SURFBOARD LEASHES, SKATE-
BOARDS, WAKEBOARDS, IN CLASS 28 (U.S.
CLS. 22, 23, 38 AND 50).

SER. NO. 75-191,934, FILED 11-4-1996.

NICHOLAS ALTREE, EXAMINING ATTOR-
NEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-02 19:00:25 ET

Serial Number: 75191934 Assignment Information

Registration Number: 2081779

Mark



(words only): STEWART SAN CLEMENTE, CA

Standard Character claim: No

✓✓ Current Status: This registration has been renewed.

✓✓ Date of Status: 2006-12-05

Filing Date: 1996-11-04

Transformed into a National Application: No

Registration Date: 1997-07-22

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

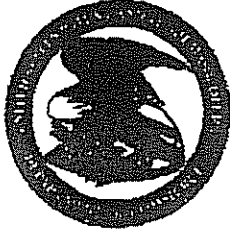
Current Location: 830 -Post Registration

Date In Location: 2006-12-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

Document Description: Notice of Acceptance-Renewal
Mail / Create Date: 05-Dec-2006

Side - 1



✓✓
**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL** ✓✓
MAILING DATE: Dec 5, 2006

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

✓✓
✓✓
REG NUMBER: 2081779
MARK: STEWART SAN CLEMENTE, CA AND DESIGN
OWNER: Stewart Surfboards, Inc

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

WILLIAM G STEWART
STEWART SURFBOARDS
2102 S EL CAMINO REAL
SAN CLEMENTE, CA 92672



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Wed Dec 6 04:23:10 EST 2006

TESS HOME	ABOUT	SEARCH	FILED FORM	EDIT	SEARCH ON	STATUS	HELP	CONTACT
			NEXT DOC	LAST DOC				

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 1 out of 2**

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	✓ ✓ STEWART SAN CLEMENTE, CA
Goods and Services	✓ ✓ IC 028, US 022 023 038 050. G & S: surfboards, snowboards, bodyboards, surfboard leashes, skateboards, wakeboards. FIRST USE: 19780100. FIRST USE IN COMMERCE: 19800100
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.02 - Ovals, plain single line; Plain single line ovals
Serial Number	75191934
Filing Date	November 4, 1996
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 29, 1997
✓ Registration Number	2081779
✓ Registration Date	July 22, 1997
Owner	(REGISTRANT) Stewart Surfboards, Inc CORPORATION CALIFORNIA 2102 South El Camino Real San Clemente CALIFORNIA 92672
✓ Attorney of Record	WILLIAM G. STEWART

Disclaimer NO CLAIM I DE TO THE EXCLUSIVE RIGHT TO USE N CLEMENTE, CA" APART
FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20061205.

Renewal 1ST RENEWAL 20061205

Live/Dead
Indicator LIVE

TESS HOME	NEWSP	STANDARD	FULL FORM	SEARCH CG	TOP	FILE	OPEN LIST
			NEXT PAGE				

[HOME | SITE INDEX | SEARCH | BUSINESS | HELP | PRIVACY POLICY]

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-06 16:04:55 ET

Serial Number: 75191934 Assignment Information

✓✓ Registration Number: 2081779

Mark



✓✓ (words only): STEWART SAN CLEMENTE, CA

Standard Character claim: No

✓✓ Current Status: This registration has been renewed.

✓✓ Date of Status: 2006-12-05

Filing Date: 1996-11-04

Transformed into a National Application: No

Registration Date: 1997-07-22

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-12-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

CASE MATRIX
STEWART SURFBOARDS, INC.
TRADEMARKS

December 10, 2007

DOCKET	COUNTRY	TRADEMARK CLASS	FILING DATE APPLN NUMBER	REG. DATE REG. NUMBER	STATUS:
JPN-001	JAPAN	STEWART SURFBOARDS (DESIGN MARK- SCRIPT) CLASSES 14 AND 18	05/08/1999 39678/1998	03/17/2000 4388533	GOODS/SERVICES REGISTERED TRADEMARK RENEWAL DUE: MARCH 17, 2010 GOODS: CLASS 14: PRECIOUS METALS, TABLEWARE AND THE LIKE OF PRECIOUS METAL, NUTCRACKERS OF PRECIOUS METAL, PEPPER POTS OF PRECIOUS METAL, SUGAR BOWLS OF PRECIOUS METAL, SALT SHAKERS OF PRECIOUS METAL, EGG CUPS OF PRECIOUS METAL, NAPKIN HOLDERS OF PRECIOUS METAL, NAPKIN RINGS OF PRECIOUS METAL, TRAYS OF PRECIOUS METAL, TOOTHPICK HOLDERS OF PRECIOUS METAL, VASES AND FLOWER BOWLS OF PRECIOUS METAL, PRECIOUS METAL FOR NEEDLES, JEWEL CASES OF PRECIOUS METAL, CANDLE EXTINGUISHERS AND CANDLESTICKS OF PRECIOUS METAL, POUCHES AND PURSES OF PRECIOUS METAL, SHOE ORNAMENTS OF PRECIOUS METAL, COMPACTS OF PRECIOUS METAL, SMOKERS' ARTICLES OF PRECIOUS METAL, TRINKETS, JEWELLERY (JEWELRY) AND ROUGH GEMSTONES AND IMITATIONS OF JEWELLERY, CLOCKS AND WATCHES, TROPHIES, COMMEMORATIVE SHIELDS, KEY HOLDERS, ALL IN INTERNATIONAL CLASS 14. AND CLASS 18: LEATHER, BAGS AND POUCHES AND THE LIKE, VANITY CASES (NOT FITTED), METAL BAG FITTINGS, PURSE CLASPS, UMBRELLAS AND PARASOLS, WALKING STICKS, CANES, METAL CANE FITTINGS, WALKING-STICK AND CANE HANDLES, HORSE RIDING EQUIPMENT, PET ACCESSORIES, ALL IN INTERNATIONAL CLASS 18.
JPN-002	JAPAN	STEWART SURFBOARDS (DESIGN MARK- SCRIPT) CLASS 25	04/28/1999 37290/1999	03/03/2000 4365022	REGISTRANT: STEWART SURFBOARDS, INC. REGISTERED TRADEMARK RENEWAL DUE: MARCH 3, 2010 GOODS: CLASS 25: CLOTHING, GARTERS, STOCKING SUSPENDERS, BRACES (SUSPENDERS), WAISTBANDS, BELTS, FOOTWEAR, MASQUERADE COSTUME(S), SPECIAL SPORTING AND GYMNASIATIC WEAR, SPECIAL SPORTING AND GYMNASIATIC FOOTWEAR. REGISTRANT: STEWART SURFBOARDS, INC.

CASE MATRIX
STEWART SURFBOARDS, INC.
TRADEMARKS

DOCKET	COUNTRY	TRADEMARK CLASS	FILING DATE APPLN NUMBER	REG. DATE REG. NUMBER	STATUS:
USA-001	UNITED STATES	STEWART SAN CLEMENTE, CA (STYLIZED) CLASS 28	11/04/1996 75191834	07/22/1997 2081778	GOODS/SERVICES REGISTERED TRADEMARK SECTION 8 AND 8 RENEWAL ACCEPTED 12/05/2008 SECOND TEN YEAR RENEWAL DUE: 07/22/2017 GOODS: SURFBOARDS, SNOWBOARDS, BODYBOARDS, SURFBOARD LEASHES, SKATEBOARDS, WAKEBOARDS. REGISTRANT: STEWART SURFBOARDS, INC. REGISTERED TRADEMARK DECLARATION OF CONTINUED USE DUE: 12/11/2012-12/11/2013 FIRST TEN YEAR RENEWAL DUE: 12/11/2017 GOODS: CLASS 28: CLOTHING; NAMELY, SHIRTS, T-SHIRTS, TANK TOPS, SWEATERS, SWEATSHIRTS, VESTS, JACKETS, COATS, PANTS, SHORTS, BOXER SHORTS, SWEATPANTS, SWIMWEAR, BOARD SHORTS; HEADWEAR, NAMELY, HATS, CAPS AND VISORS AND HEAD BANDS; AND FOOTWEAR, NAMELY, BEACH FOOTWEAR; AND CLASS 28: SURFBOARDS, SURFBOARD LEASHES, SNOWBOARDS, BODYBOARDS, SKATEBOARDS, WAKEBOARDS AND BAGS ESPECIALLY DESIGNED FOR SURFBOARDS. REGISTRANT: STEWART SURFBOARDS, INC. PENDING APPLICATION NOTICE OF ALLOWANCE ISSUED 07/24/2007 STATEMENT OF USE DUE: 01/24/2008 GOODS: SURFBOARD FIN BOX DESIGNED TO HOLD A SURFBOARD FIN. APPLICANT: STEWART SURFBOARDS, INC.
USA-002	UNITED STATES	<i>Stewart</i> CLASSES 25 AND 28	01/31/2007 77095787	12/11/2007 3351034	
USA-003	UNITED STATES	STRONGBOX CLASS 28	08/11/2006 78971774		


December 18, 2007

CASE MATRIX STEWART SURFBOARDS, INC. TRADEMARKS

December 18, 2007

DOCKET	COUNTRY	TRADEMARK CLASS	FILING DATE APPLN NUMBER	REG. DATE REG. NUMBER	STATUS: GOODS/SERVICES
JPN-001	JAPAN	STEWART SURFBOARDS (DESIGN MARK- SCRIPT) CLASSES 14 AND 18	05/08/1999 39679/1999	09/17/2000 4368533	REGISTERED TRADEMARK RENEWAL DUE: MARCH 17, 2010 GOODS: CLASS 14: PRECIOUS METALS, TABLEWARE AND THE LIKE OF PRECIOUS METAL, NUTCRACKERS OF PRECIOUS METAL, PEPPER POTS OF PRECIOUS METAL, SUGAR BOWLS OF PRECIOUS METAL, SALT SHAKERS OF PRECIOUS METAL, EGG CUPS OF PRECIOUS METAL, NAPKIN HOLDERS OF PRECIOUS METAL, NAPKIN RINGS OF PRECIOUS METAL, TRAYS OF PRECIOUS METAL, TOOTHPICK HOLDERS OF PRECIOUS METAL, VASES AND FLOWER BOWLS OF PRECIOUS METAL, BOXES OF PRECIOUS METAL FOR NEEDLES, JEWEL CASES OF PRECIOUS METAL, CANDLE EXTINGUISHERS AND CANDLESTICKS OF PRECIOUS METAL, POUCHES AND PURSES OF PRECIOUS METAL, SHOE ORNAMENTS OF PRECIOUS METAL, COMPACTS OF PRECIOUS METAL, SMOKERS' ARTICLES OF PRECIOUS METAL, TRINKETS, JEWELLERY (JEWELRY) AND ROUGH GEMSTONES AND IMITATIONS OF JEWELLERY, CLOCKS AND WATCHES, TROPHIES, COMMEMORATIVE SHIELDS, KEY HOLDERS, ALL IN INTERNATIONAL CLASS 14. AND CLASS 18: LEATHER, BAGS AND POUCHES AND THE LIKE, VANITY CASES (NOT FITTED), METAL BAG FITTINGS, PURSE CLASPS, UMBRELLAS AND PARASOLS, WALKING STICKS, CANES, METAL CANE FITTINGS, WALKING-STICK AND CANE HANDLES, HORSE RIDING EQUIPMENT, PET ACCESSORIES, ALL IN INTERNATIONAL CLASS 18.
JPN-002	JAPAN	STEWART SURFBOARDS (DESIGN MARK- SCRIPT) CLASS 25	04/28/1999 37290/1999	03/03/2000 4365022	REGISTRANT: STEWART SURFBOARDS, INC. REGISTERED TRADEMARK RENEWAL DUE: MARCH 3, 2010 GOODS: CLASS 25: CLOTHING, GARTERS, STOCKING SUSPENDERS, BRACES (SUSPENDERS), WAISTBANDS, BELTS, FOOTWEAR, MASQUERADE COSTUME(S), SPECIAL SPORTING AND GYMNASIAC WEAR, SPECIAL SPORTING AND GYMNASIAC FOOTWEAR. REGISTRANT: STEWART SURFBOARDS, INC.

**CASE MATRIX
STEWART SURFBOARDS, INC.
TRADEMARKS**

DOCKET	COUNTRY	TRADEMARK CLASS	FILING DATE APPLN NUMBER	REG. DATE REG. NUMBER	STATUS:
USA-001	UNITED STATES	STEWART SAN CLEMENTE, CA (STYLIZED) CLASS 28	11/04/1988 75191934	07/22/1987 2081779	GOODS/SERVICES REGISTERED TRADEMARK SECTION 8 AND 9 RENEWAL ACCEPTED 12/05/2008 SECOND TEN YEAR RENEWAL DUE: 07/22/2017 GOODS: SURFBOARDS, SNOWBOARDS, BODYBOARDS, SURFBOARD LEASHES, SKATEBOARDS, WAKEBOARDS. REGISTRANT: STEWART SURFBOARDS, INC. REGISTERED TRADEMARK DECLARATION OF CONTINUED USE DUE: 12/11/2012-12/11/2013 FIRST TEN YEAR RENEWAL DUE: 12/11/2017 GOODS: CLASS 25: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, TANK TOPS, SWEATERS, SWEATSHIRTS, VESTS, JACKETS, COATS, PANTS, SHORTS, BOXER SHORTS, SWEATPANTS, SWIMWEAR, BOARD SHORTS, HEADWEAR, NAMELY, HATS, CAPS AND VISORS, AND HEAD BANDS; AND FOOTWEAR, NAMELY, BEACH FOOTWEAR; AND CLASS 28: SURFBOARDS, SURFBOARD LEASHES, SNOWBOARDS, BODYBOARDS, SKATEBOARDS, WAKEBOARDS AND BAGS ESPECIALLY DESIGNED FOR SURFBOARDS. REGISTRANT: STEWART SURFBOARDS, INC. PENDING APPLICATION NOTICE OF ALLOWANCE ISSUED 07/24/2007 STATEMENT OF USE DUE: 01/24/2008 GOODS: SURFBOARD FIN BOX DESIGNED TO HOLD A SURFBOARD FIN. APPLICANT: STEWART SURFBOARDS, INC.
USA-002	UNITED STATES	 CLASSES 25 AND 28	01/31/2007 77095787	12/11/2007 3351034	
USA-003	UNITED STATES	STRONGBOX CLASS 28	09/11/2008 76871774		

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court CENTRAL DISTRICT on the following ☒ Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT <u>CENTRAL DISTRICT</u>
PLAINTIFF STEWART SURFBOARDS, INC.		DEFENDANT THE WALT DISNEY COMPANY; DISNEY ENTERPRISES, INC., DISNEY PRESS NEW YORK
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 2081779	7/22/1997	STEWART SURFBOARDS, INC.
2 3351034	12/11/2007	STEWART SURFBOARDS, INC.
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Answer <input checked="" type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
-------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Exhibit 2

Stewart



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV10- 2982 AHM (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

.....

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

STEWART SURFBOARDS, INC.; WILLIAM G.
STEWART

Plaintiff

THE WALT DISNEY COMPANY; DISNEY
ENTERPRISES, INC., DISNEY PRESS and DOES 1
to 25,

Defendant

CV10-2982 AHM (SSx)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

THE WALT DISNEY COMPANY
500 South Buena Vista
Burbank, CA 91521

✕ Continued on attachment

A lawsuit has been filed against you.

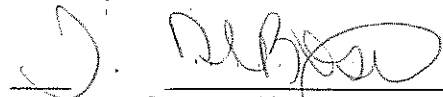
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

RONALD W. CHRISLIP SB#70441
CHRISLIP & HERVATIN, LLP
1505 N. Broadway, Santa Ana, CA 92706
714-547-0197

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: April 21, 2010



Signature of Clerk or Deputy Clerk

Attachment to Summons

DISNEY ENTERPRISES, INC.
500 South Buena Vista
Burbank, CA 91521

DISNEY PRESS
114 Fifth Avenue
New York, New York 10011-5690

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

STEWART SURFBOARDS, INC.; WILLIAM G. STEWART

DEFENDANTS

THE WALT DISNEY COMPANY; DISNEY ENTERPRISES, INC.; DISNEY PRESS and DOES 1 to 25

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

RONALD W. CHRISLIP

CHRISLIP & HERVATIN, LLP Phone: 714-547-0197

1505 N. Broadway, Santa Ana, CA 92706

Attorneys (If Known)

N/A

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☐ MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923) (405(g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 950 Constitutionality of State Statutes					

FOR OFFICE USE ONLY: Case Number: CV10-2982 AHM (SSx)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Richard W. Chung Date April 20, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))